

**To:** Winters, Julie[Winters.Julie@epa.gov]; Batiuk, Rich[Batiuk.Richard@epa.gov]  
**Cc:** Schneider, Jutta (DEQ)[Jutta.Schneider@deq.virginia.gov]; Davis-Martin, James (DEQ)[James.Davis-Martin@deq.virginia.gov]; Periverzov, Eileen (DEQ)[Eileen.Periverzov@deq.virginia.gov]; Adams, Diana (DEQ)[Diana.Adams@deq.virginia.gov]  
**From:** Kennedy, John (DEQ)  
**Sent:** Wed 9/14/2016 2:09:55 PM  
**Subject:** FW: Regarding James River chlorophyll a criteria -- FW: FOIA Request  
**MAIL RECEIVED:** Wed 9/14/2016 2:11:13 PM  
[EPA Ches Bay Office FOIA Request \(8-29-16\).pdf](#)  
[Fwd: From Programmatic Goals to Criteria for Phytoplankton Chlorophyll a](#)

Julie – DEQ got the same FOIA request and on 9/6/16 we provided all available electronic records (email, contract documents, interim and final work products) that related to Dr. Buchanan and her participation on the James River Science Advisory Panel, as well as the package of materials/other documentation from the SAP's "Empirical Relationships Report" (same documentation given to Rich Batiuk for the CBP-STAC review) on 2 CDs. I also met with Patrick Fanning prior to our response to go over the materials available and hone in on what exactly he was looking for because the FOIA request was very broad. We felt that our response satisfied the request for "State information" and were relying on EPA to provide the "Federal information" sought.

During the course of the James River study we did subcontract, using state funds, with ICPRB for some data analysis via our prime contract with Chesapeake Environmental Communications; the report was entitled "*Balanced, Indigenous, Desirable Phytoplankton Populations in Virginia Tidal Waters*" (Buchanan; 3/10/15). That contract document and scope of work was in the electronic documentation for the FOIA provided on a CD.

Our James River Study was solely funded from the Virginia Water Quality Improvement Fund; no federal funds have been passed through by DEQ to any of our contractors. We are aware of at least one related report where Dr. Buchanan cites EPA funding (CWA Section 106 grant) in the acknowledgements ("*From Programmatic Goals to Criteria*"; 2/26/16). Attached is the transmittal email from Dr. Buchanan when she provided a copy to DEQ; the email string includes her transmittal of the report the same day to Leo Essenthier/EPA. Whether or not any other ICPRB contracts/projects related to the James River study were funded by EPA is a question for EPA to answer.

I hope this information is useful.

Thanks,

John Kennedy  
DEQ-Office of Ecology

Email: john.kennedy@deq.virginia.gov  
Phone: 804-698-4312

**From:** Winters, Julie [<mailto:Winters.Julie@epa.gov>]  
**Sent:** Tuesday, September 13, 2016 12:09 PM  
**To:** Periverzov, Eileen (DEQ); Davis-Martin, James (DEQ); Hale, Susan (DCR)  
**Cc:** Winters, Julie; Waldman, Holly; Mackey, Lori; Wenz, Tom; Batiuk, Rich; Bisland, Carin  
**Subject:** Regarding James River chlorophyll a criteria -- FW: FOIA Request

Eileen,

Please see the attached Freedom of Information Request looking for information regarding the James River Chlorophyll a Study. Please let me know whether or not any VA DEQ funded ICPRB for anything related to the development of this study under any of the CBIG or CBRAP grants? For now, please tell us whether you have anything or not. If you do, can you please tell us which grant and objective it was for now?

Thanks so much,

Julie

**JULIE WINTERS** ~ Chesapeake Bay Program Office ~ U.S. Environmental Protection Agency ~  
410.267.5754

**From:** Wenz, Tom  
**Sent:** Wednesday, September 07, 2016 12:04 PM  
**To:** Mackey, Lori <[mackey.lori@epa.gov](mailto:mackey.lori@epa.gov)>; Winters, Julie <[Winters.Julie@epa.gov](mailto:Winters.Julie@epa.gov)>  
**Cc:** Edward, James <[edward.james@epa.gov](mailto:edward.james@epa.gov)>  
**Subject:** Fw: FOIA Request

FYI, Rich got this FOIA request and I've passed it on to Philly to assign either to us as lead with WPD support or vice versa.

Need to know if the Interstate Commission on the Potomac River Basin (ICPRB) only

gets funds through the 106 grants or if there are CBRAP or CBIG moneys sent to them as well?

Tom

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**From:** Batiuk, Rich  
**Sent:** Wednesday, September 7, 2016 7:16 AM  
**To:** Wenz, Tom  
**Subject:** FW: FOIA Request

Tom-

I have received both an electronic and a hard copy of this FOIA request. I will forward you my electronic acknowledgement of the receipt of the electronic and hard copy of the FOIA request.

Can you please work with the appropriate colleagues in Philadelphia to log in this FOIA request. I have provided you with the original hard copy request as well for our FOIA files.

I will search my files for any and all correspondence related to the this topic—Claire Buchanan, ICPRB, development of a document reviewing the James River chlorophyll a criteria which was funded, I believe, through a Region 3 106 grant to ICPRB. My correspondence on this topic is very limited as I was not aware of the development of this subject document until the work had been completed. Once I get a response back from Jenn, I would like to meet with you to walk through the FOIA request and carefully outline the full scope of the search.

Jenn-

Can you please point Tom and I towards the colleague or colleagues in the Water Protection Division which may have had any involvement in the subject of this FOIA. I believe ICPRB was funded to carry out this work through their 106 grant.

Nick/Jim/Carin/Lori-

Heads up on another FOIA.

Thanks, Rich

Rich Batiuk

Associate Director for Science, Analysis and Implementation

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**From:** Fanning, Patrick Joseph [<mailto:Patrick.Fanning@troutmansanders.com>]

**Sent:** Monday, August 29, 2016 2:33 PM

**To:** Batiuk, Rich <[Batiuk.Richard@epa.gov](mailto:Batiuk.Richard@epa.gov)>

**Subject:** FOIA Request

Hi Mr. Batiuk:

Attached please find a Freedom of Information Act request. Thank you for your attention to this request and please contact me with any questions.

Thanks,

Patrick

Patrick J. Fanning

**Troutman Sanders LLP**

1001 Haxall Point

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Richmond, VA 23219

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